

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 14, 2004, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Dick McCallum
Commissioner Chuck Watkins

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Proctor called the meeting to order at 7:00 p.m.

INVOCATION

Town Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner McCallum made a motion to approve the agenda as amended by deleting an item under new business as 9 a (Consider request from Douglas Long on behalf of the planning committee regarding a Lake Lure Olympiad 2005 sports festival to be held on August 12-13, 2005), and to add two additional items renumbering the agenda items under new business as 9 d (Consider a request from the Douglas Company for Council to approve a performance Bond on their project) and 9 e (Consider a request from William Grimes to have the alcohol ordinance suspended on Friday, December 31, 2004 for a New Year's Eve Party). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - CONSIDER PROPOSED AMENDMENT TO TITLE IX, CHAPTER
92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE RELATING TO
DEFINITIONS AND CONDITIONAL USE PERMITS FOR RESIDENTIAL PLANNED
UNIT DEVELOPMENTS (RPUDS) OF THE CODE OF ORDINANCES**

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Mayor Proctor opened the public hearing regarding the proposed amendment to Title IX, Chapter 92 relating to definitions and conditional use permits for residential planned unit developments (RPUDS) of the Code of Ordinances.

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Community Development Administrator Shannon Baldwin gave a brief overview and answered questions pertaining to the proposed amendments recommended by the Zoning and Planning Board.

Chairman Dick Washburn of the Lake Lure Zoning and Planning Board stated the purpose of the Planned Unit Development.

John Cloud, land developer, gave a presentation on his proposed project to be constructed on 53 acres of property on Boy's Camp Road currently zoned R-3 and R-1. Mr. Cloud said what he is planning to construct will have little impact and low density. He said the only change being requested is height restriction.

Approximately 29 citizens of Lake Lure voiced their concerns and approval with regards to Mr. Cloud's project.

After discussion, Commissioner McCallum made a motion to close the public hearing. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

ADOPT ORDINANCE NO. 04-12-14A AMENDING TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE RELATING TO DEFINITIONS AND CONDITIONAL USE PERMITS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS (RPUDS)

After review, Commissioner Hullender made a motion to approve Ordinance No. 04-12-14A as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER: 04-12-14A

AN AMENDMENT TO TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE RELATING TO DEFINITIONS AND CONDITIONAL USE PERMITS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS (RPUDS)

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon the request of the Town Council and after a thorough review of the Zoning Regulations, has recommended an amendment defining the term "loft;" and regulating building heights within RPUDs of 25 acres or more in size; the method of calculating dwelling units for the purpose of establishing allowable commercial accessory uses in RPUDs; allowing hotels, and lodges with interior access to rooms, bed and breakfast establishments, and private clubs which provide lodging, services and board for the general public, within RPUDs having a minimum of 10 acres within the town; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 14th day of December 2004, upon question of amending the zoning regulations in this respect; **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH ALL COUNCILMEN VOTING IN THE AFFIRMATIVE:**

SECTION ONE. Revise § 92.005, "Definitions," to add:

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“Loft. An upper floor above a dwelling unit or hotel guest room having its only access from within that unit.”

SECTION TWO. Revise § 92.048(A) “Conditional Use Permits - Planned Unit Developments” as follows:

Add the following as subsection 92.048(A)(6)(l):

- (l) **Building height.** The following building height standards shall apply to those Planned Unit Developments and Residential Planned Unit Developments having an area of 25 acres or more:
 1. For the purpose of this subsection, building height is defined as the vertical distance measured from the average finished grade at the building foundation line to the eave of the roof.
 2. The maximum height of buildings shall not exceed 45 feet at the eave line, provided that no building shall have more than 4 stories plus 1 level of lofts, except as required in subsection 4 below, and further provided that not more than 3 buildings within the RPUD shall exceed 35 feet in height to the highest point of the roof.
 3. The height of roofs, measured from the eave line to the highest point of the roof, excluding chimneys and vent pipes, shall not exceed 45% of the building height and the roof pitch shall not exceed 9 inches in height for each 12 inches of run, provided that the maximum height of any structure shall not exceed 65 feet.
 4. For buildings within 100 feet of an existing public road or within 100 feet of the property line of the PUD, the total height to the highest point of the roof, excluding chimneys and vent pipes, shall not exceed 50 feet; said height shall be measured from the centerline elevation of such road or property line
 5. Buildings with a height of more than 35' to the highest point of the roof shall be surrounded by a greenbelt at least 25 feet in width. The greenbelt shall consist of landscaped areas with trees, shrubs, grasses and/or open and undeveloped areas. Sidewalks, trails, and walkways may be located within the greenbelt. Roadways and access drives may cross the greenbelt, but no automotive vehicular parking may be located therein.
 6. Buildings located within 100 feet of an existing public road shall be buffered by either a landscaped berm or living hedge or combination thereof at least 10 feet in height above the grade of the road.

Amend subsection 92.048(A)(7)(b)7. as follows:

7. The following accessory commercial uses may be permitted in a Residential Planned Unit Development with 150 or more dwelling units with certificates of occupancy, subject to the provisions of this section. In calculating the number of dwelling units, each guest room in a hotel and/or lodge shall be counted as a separate dwelling unit.

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- a. Retail sales for RPUD residents and guests, excluding petroleum products sold or disbursed from pumps, and provided no merchandise may be displayed or stored outside of the building.
- b. Sports equipment sales and rentals for RPUD residents and guests.
- c. Restaurants, when incorporated in the RPUD.

Add the following as subsection 92.048(A)(7)(b)9:

9. Hotels, and lodges with interior access to rooms; bed and breakfast establishments; and private clubs which provide lodging, services and board for the general public; within RPUDs having a minimum of 10 acres and where not less than 50% of the underlying district within the RPUD is R-3.

SECTION THREE. The Zoning Administrator shall make all the necessary corrections and additions to the Zoning Regulations and shall henceforth enforce the regulations hereby amended.

SECTION FOUR. This ordinance shall be effective upon its adoption.

Adopted this 14th day of December, 2004.

ATTEST:

Anita H. Taylor, MMC
Deputy Town Clerk

Mayor Pro tem Richard McCallum

Approved as to form:

J. Christopher Callahan
Town Attorney

Town Manager Place suggested that concerns mentioned during the hearing be relayed to the zoning and planning board.

Community Development Administrator Shannon Baldwin recommended that a comprehensive plan be developed with regards to the zoning laws. Town Manager Place agreed with Mr. Baldwin's recommendation.

Commissioner Cox suggested to start immediately with PUD zoning issues the town can deal with first and make the necessary corrections as soon as possible.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and no one requested to speak.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Cox moved, seconded by Commissioner Watkins, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of November 9, 2004 (regular meeting & closed session) and November 18, 2004 (special meeting & closed session);
- b. budget amendment of \$732.00 for professional services provided by Dr. Sherk as submitted by the finance director; transfer \$732.00 from the contingency fund account (#109100.1000) to council's department account (#104100.3400) for boards and commissions;
- c. Ordinance No. 04-12-14B providing the delayed harvest of fish to be caught in Lake Lure;

ORDINANCE NO. 4-12-14B

AN ORDINANCE PROVIDING FOR THE DELAYED HARVEST OF FISH TO BE CAUGHT IN LAKE LURE.

WHEREAS, each year, the Lake Lure Town Council causes the lake to be stocked with trout, bass and other species of fish for the enjoyment of sport fishermen; and

WHEREAS, historically, many of the newly stocked fish have been caught and removed before they have become acclimated to the lake; and

WHEREAS, the Town Council of the Town of Lake Lure, upon recommendation by the Lake Advisory Committee and after due consideration, has determined that it is appropriate to institute a program of delayed harvesting of fish to be caught in Lake Lure to provide a period for newly stocked fish to become acclimated to the lake;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: There shall be in effect from December 1 of each year through March 1 of the following year a program of delayed harvesting of fish to be caught in Lake Lure. During this time period, all fish caught in Lake Lure shall be released and all fishing shall be done with artificial lures having single barbless hooks.

SECTION TWO: Each violation of this ordinance shall be punishable by a fine not to exceed \$100.

SECTION THREE: This ordinance shall be effective upon its adoption.

Adopted this 14th day of December, 2004.

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ATTEST:

Anita H. Taylor, MMC
Deputy Town Clerk

Mayor Jim Proctor

Approved as to form:

J. Christopher Callahan
Town Attorney

d. town council meeting schedule for Year 2005;

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 11, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
February 8, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
March 8, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
April 12, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
May 10, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
June 14, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
July 12, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
August 9, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
September 13, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
October 11, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
November 8, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular
December 13, 2005	Lake Lure Municipal Center	7:00 p.m.	Regular

* **Regular Town Council meetings are held on the 2nd Tuesday of each month.**

- e. request from Kenya Wilson to suspend the town's alcohol ordinance in order to serve beer, and wine during a wedding rehearsal dinner inside the community hall of the Lake Lure Municipal Center on Friday, December 17, 2004, from 6:00 p.m. until 8:00 p.m.; and
- f. budget amendment of \$2,427,052.00 for water system improvements as submitted by the finance director; increase the SRL fund project account by \$2,427,052.00 and increase the water/sewer revenues account by \$2,427,052.00.

End of Consent Agenda

UNFINISHED BUSINESS:

There was no unfinished business for discussion.

NEW BUSINESS:

a. Consider Awarding Bid Offer from Sam Karr to Purchase Certain Town Property Located Adjacent to Jack London Court and Authorize the Town Attorney to Prepare Appropriate Documents to Finalize the Sale

After discussion, Commissioner Cox made a motion to accept the offer of \$1,100.00 by Sam Karr to purchase town property referenced as Map 514, Block 1, Lot 60 on the Rutherford County Tax Map, located adjacent to Jack London Court and authorized the town attorney to prepare appropriate documents to finalize the sale. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Board Appointments - Lake Advisory Committee, Board of Adjustment/Lake Structures Appeals Board, Lake Lure Zoning/Planning Board, Golf Course Advisory Committee, Lake Lure ABC Board and Parks/Recreation Board

Town Council voted by ballot and the town manager announced the following results.

Richard Conrad and Robert (Bob) Washburn were reappointed to serve on the Lake Advisory Committee with terms expiring on December 31, 2006. Chris Braund was appointed to serve on this committee with a term expiring on December 31, 2006.

Beth Rose was reappointed to serve as regular member on the Board of Adjustment/Lake Structures Appeals Board with a term expiring on December 31, 2007. Nancy McNary was reappointed to serve as alternate member on this board with a term expiring on December 31, 2007.

Bill Bush and Bud Schichtel were reappointed to serve on the Lake Lure Zoning/Planning Board with terms expiring on December 31, 2007.

Dennis Demcho, Jack Donovan, and Tracy Shepard were reappointed to serve on the Golf Course Advisory Committee with terms expiring on December 31, 2006.

Stuart W. Richardson was reappointed to serve on the Lake Lure ABC Board with a term expiring on December 31, 2007.

Paula Jordan was reappointed to serve on the Parks/Recreation Board with a term expiring on December 31, 2007.

NEW BUSINESS:

c. Discussion Regarding Connection Fees for the New Water System

Town Manager Place read into the record his memorandum dated November 30, 2004 regarding connections to the new water system. (Copy of memorandum attached).

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After discussion, Commissioner Cox made a motion to approve the recommended water connection fees as outlined in the town manager's memorandum dated November 30, 2004 as submitted with the stipulation that the water and sewer fund not be subsidized from tax payers monies. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Consider a Request from Traci M. Dusenbury on Behalf of Douglas Company to Establish a Performance Bond for Public Improvements for a Planned Unit Development

Town Manager Place stated that the planned unit development project being presented by Traci Dusenbury on behalf of Douglas Company is a good project and the board members of the Board of Adjustment were supportive of this project.

After discussion, Commissioner Cox made a motion to approve the request from Traci M. Dusenbury on behalf of Douglas Company to establish a performance bond for public improvements for a planned unit development and to accept either a \$50,000.00 bid bond or a letter of credit from a reputable institution. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Consider a Request from William Grimes to Suspend the Town's Alcohol Ordinance in Order to Serve Beer, Wine and Champagne During a New Year's Eve Party

After discussion, Commissioner McCallum made a motion to approve the request from William Grimes to suspend the town's alcohol ordinance in order to serve beer, wine and champagne during a New Year's Eve party to be held inside the Community Hall of the Lake Lure Municipal Center on Friday, December 31, 2004 from 7:00 p.m. until 1:00 a.m. Commissioner Cox seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Update on the new water system improvements project.
2. Update on the design and approval process of the waste water treatment plant improvements project. This project will not be completed until sometime in 2006.
3. Update on the status of the town's center walkway project. Waiting on final approval by the state on plans submitted for this project.
4. The town's hydro plant has generated enough power to earn a total of \$149,577 in revenue for the first five months of this fiscal year. The revenue projected for this entire fiscal year is \$180,000. At this time, the town has earned 83% of the 04-05 budget in 42% of the allocated time.

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5. The conditional use permit submitted by Traci Dusenbury, Development Coordinator of Douglas Company, for a 32 unit apartment complex at the intersection of highway #9 and Girl Scout Camp Road has been approved by the Board of Adjustment. Mr. Dusenbury has requested that town council establish the amount of the required performance bond at the regular town meeting being held on January 11, 2005, at 7:00 p.m.
6. Update on boat permits being issued for 2005. The Lake Advisory Committee recommends that the Lake Lure Marine Commission consider at their meeting tonight following this meeting that the 2004 permits remain valid until April, 2005 in order to allow time to develop and get approval of a new permitting process and supporting administrative documents including: a lake commercial license criterion, a lake commercial license application, and a launch site application.
7. Fire Coordinator Ron Morgan plans to interview applicants for the assistant fire coordinator's position later this week. Mr. Morgan anticipates the vacancy for this position will be filled by January, 2005.
8. Update on town's fire station improvements project.
9. Update on tree removal and replacement project along the highway in the town center. Old trees are being cut down because they are becoming a hazard and potential liability to the town. These old trees will be replaced with younger ones. Crape Myrtles and flowering shrubs will be planted along the fence line and larger trees planted around the picnic area along Pool Creek.. Plans are underway by Rick Coley to finish the fence line project by spring.
10. Thanked Council members on behalf of the town staff members for supporting the employee Christmas dinner held annually.
11. Wished everyone a Merry Christmas and a happy new year.

COUNCIL COMMENTS

Commissioner Hullender informed council members that she will be out of town during the month of January, 2005.

Commissioner Cox inquired about the annual boards and committees dinner held by the town.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

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ATTEST:

Anita H. Taylor, MMC
Deputy Town Clerk

Mayor Jim Proctor